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10/712,114	07/13/2003	Robert J. Yarka	1391/1561	7674

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EXAMINER

CORBIN, ARTHUR L

ART UNIT	PAPER NUMBER
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1761

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Please find below and/or attached an Office communication concerning this application or proceeding.

## SUPPLEMENTAL EXAMINER'S ANSWER

### **(9) Grounds of Rejection**


The following ground(s) of rejection are applicable to the appealed claims:

Claims 6, 11, 24-27, 30 and 31 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Nofre et al (5,480,668, cols. 4-6 and claim 3) in view of Yotka et al (4,997,659, col. 6). Nofre et al discloses mixing appellant's claimed N-substituted aspartame derivative and alitame, as claimed in claims 6 and 11, and then adding the entire mixture to chewing gum. It would have been obvious to add the sweetening agent combination in Nofre et al, i.e. a combination of N-substituted aspartame derivative and alitame, to chewing gum as part of a rolling compound or coating on a chewing gum pellet since it is old to incorporate alitame in chewing gum as part of a rolling compound or chewing gum pellet coating, as evidenced by Yotka et al. Further, appellant's claimed panning procedure is well known according to Yotka et al (Abstract).

Claims 6, 11, 24-27, 30 and 31 also stand rejected under 35 U.S.C. 103 (a) as being unpatentable over Nofre et al (5,510,508, cols. 1 and 6) or Nofre et al (5,480,668, cols. 4-6 and claim 3) in view of Glass et al (4,374,858, col. 1, line 62 to col. 2, line 13 and col. 3, lines 1-12). Nofre et al (5,510,508) discloses inclusion of appellant's claimed N-substituted derivative of aspartame as a sweetener in chewing gum. Nofre et al (5,480,668) is described in the preceding paragraph. It would have been obvious to include the aspartame derivative in the chewing gum of either primary reference by

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applying it thereto as part of a rolling compound or as a coating since it is well known to apply aspartame to chewing gum as part of a rolling compound or as a coating, as evidenced by Glass et al. Further, appellant's claimed panning procedure is well known as set forth in the preceding paragraph.

A handwritten signature in black ink, consisting of a large, loopy initial 'C' followed by a horizontal line and a small loop.